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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,705

03/30/2004

Sergio Bortolloni

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7590

08/29/2006

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EXAMINER

HOFFBERG, ROBERT JOSEPH

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/812,705	BORTOLLONI ET AL.	
	Examiner	Art Unit	
	Robert J. Hoffberg	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

1. Applicant's arguments with respect to claims 13-24 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant argues that housing needs to hold the fuse. The examiner respectfully disagrees. The claimed invention requires only that the fuse clips be configured to receive a fuse, which the clips hold the fuse when the fuse indicator assembly is positioned in the opening of the housing.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 17-20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sundt (US 2,783,331).

With respect to Claim 13, Sundt teaches a fuse cartridge assembly comprising: a housing (#11); at least two contacts (#21) arranged in the housing to form fuse clips configured to receive a fuse (#48); an opening (top of #11) formed in the housing and having a retainer (#22) formed therein; and a fuse status indicator assembly comprising: a base (#12); a fuse status indicator (#42) supported by the base and having at least one electrical contact (#38) extending therefrom; at least one retainer member (#40) extending from the base to removeably (Col. 1, line 23) engage the retainer formed in

the housing when the base is positioned in the opening (see Fig. 2) formed in the housing and thereby secure the at least one electrical contact in electrical connection with at least one of the at least two contacts so that the fuse status indicator adjusts (Col. 1, lines 41-43) a level of illumination generated in response to a blown status of the fuse.

With respect to Claim 17, Sundt further teaches that the opening formed in the housing and the base have reciprocal shapes (see Fig. 4) and wherein, when the base is positioned in the opening formed in the housing to engage the at least one retainer member extending from the base with the retainer formed in the housing, an outer surface (lower end of #29 near #30) of the base is substantially flush (#29 flush with #15) with at least one surface (#15) of the housing.

With respect to Claim 18, Sundt further teaches that the fuse status indicator includes a neon bulb (Col 2, line 57).

With respect to Claims 19-20, Sundt further teaches a circuit element or resistor (#45) electrically connected to the fuse status indicator to limit current applied to the fuse status indicator.

With respect to Claim 22, Sundt further teaches that a support (#39) extending from the base and configured to support the fuse status indicator.

With respect to Claim 23, Sundt further teaches that the base is positioned (see Fig. 4) in the opening formed in the housing to removeably engage the at least one retainer member with the retainer formed in the housing, the fuse status indicator extends (see Fig. 4) into an interior of the housing.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundt (US 2,783,331).

With respect to Claim 21, the label for attachment to the fuse cartridge to indicate the electrical parameters of a fuse in the fuse cartridge is nonfunctional printed matter and fails to further distinguish over claim 1. *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).

With respect to Claim 24, Sundt teaches the claimed invention including an indicator window (Col.1, line 41-42) to allow illumination from the fuse status indicator to escape when the base is arranged in the opening in the housing. Sundt fails to teach an indicator window in the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate an indicator window in the housing or any other surface permitting the indicator to be viewed, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundt (US 2,783,331) in view of Sorenson (US 3,396,269).

With respect to Claims 14-15, Sundt teaches the claimed invention including the retainer formed in the housing includes the base is engaged with the housing to removeably (Col. 1, line 23) secure the fuse status indicator within the housing and the at least one electrical contact (see Fig. 4) within electrical connection with the at least one of the at least two contacts. Sundt fails to teach the aperture and that the retainer member includes snap-in fastening members configured to extend through the aperture. Sorenson teaches the retainer (Fig. 5, #49) formed in the housing (#11) includes at least one recess (#31) and wherein the at least one retainer member (Fig. 2, #48) includes snap-in fastening members (#49) and a barb (#49) configured to extend through the at least one recess when the base is removeably (Col. 1, line 25) engaged with the housing. It would have been an obvious matter of design choice to make the recess as a through hole or aperture, since such a modification would have involved a mere change in the shape of a component that would not effect the retaining member from snapping into a retainer. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F. 2d 669, 149 USPQ 47 (CCPA 1966). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fuse status indicator of Sundt with the retaining member of Sorenson to prevent dislodgment of the fuse status indicator from the housing under normal operating conditions (Col. 2, lines 45-46).

With respect to Claim 16, Sundt teaches the claimed invention except for the disengagement of the barb from the retainer, and the fuse in the housing. Sorenson teaches that the at least one barb is configured to disengage (Col. 2, lines 45-49) the

retainer formed in the housing in response to a force applied to the base in a direction opposite the housing to remove the base and fuse status indicator from the housing through the opening formed in the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fuse status indicator of Sundt with the retaining barb of Sorenson to allow removal for servicing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the location of fuse and position it in the housing or any other location where protection from an overcurrent condition is required, since it has been held that a rearrangement of the essential working parts of a device involves only routine skill in the art. *In re Japiske*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Groezinger (US 3,742,211) and Maurinus (US 5,302,778) teaches a retainer includes at least one aperture and wherein the at least one retainer member includes snap-in fastening members configured to extend through the at least one aperture when the base is engaged with the retainer to removeably secure the retaining member within the retainer. Leal (US 4,514,723) teaches a fuse status indicator assembly removeably fastened to a housing with fuses to indicate their status.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Hoffberg whose telephone number is (571) 272-2761. The examiner can normally be reached on 8:30 AM - 4:30 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/812,705
Art Unit: 2835

Page 7

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08/24/06